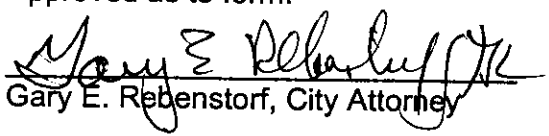
Approved as to form:



Gary E. Rebenstorf, City Attorney

(150004) Published in The Wichita Eagle on July 22, 2005
ORDINANCE NO. 45-628

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

BE IT ORDAINED BY THE GOVERNING BODY
OF THE CITY OF WICHITA, KANSAS.

SECTION 1. That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. ZON2005-00012

Request for Zone change from "SF-5" Single-family Residential to "TF-3" Two-family Residential, on property described as:

Lot 4, Block E, Westport Addition, Wichita, Sedgwick County, Kansas. Generally located at the northeast corner of Westfield and Dubon Avenue

SUBJCET TO THE FOLLOWING PROVISIONS OF PROTECTIVE OVERLAY DISTRICT #158:

1. All duplex buildings shall share similar architectural character, color, texture and materials as those already existing in the neighborhood (e.g. ranch or split-level, gable or hip roof and wood or brick siding).
2. Building height shall be limited to 25 feet.
3. Prior to construction the applicant shall obtain an approval letter from the Director of Planning stating that the proposed construction complies with the above stated conditions.

SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED AT WICHITA, KANSAS, 7-19-05

Carlos Mayans - Mayor

ATTEST:

Karen Sublett, City Clerk

(SEAL)

Background: The applicant is seeking TF-3 Two-family Residential zoning for a 0.48-acre platted vacant lot located at the northeast corner of Dubon and Westfield. The lot is currently zoned SF-5 Single-family residential, and is triangular in shape. The applicant proposed to develop the site for duplex uses. The *Unified Zoning Code* (UZC) defines a duplex as a lot used for "...two principal dwelling units within a single building." The code permits building heights up to 35 feet in TF -3, which is the same maximum height allowed in the SF-5 district. If the request were to be approved, the existing single platted lot would allow only one duplex structure with two living units or one single-family structure (permitted by right as TF-3 residential uses); however, it is possible to replat or lot split the existing 0.48-acre lot into smaller lots that could allow more than one structure. Even as currently zoned, the lot could be lot split into more than one single-family lot.

The lots to the east, north and west are all zoned SF-5 Single-family and developed with single-family residences on approximately half-acre lots. These homes appear to be well maintained. The lots located south of Dubon are zoned LC Limited Commercial and GC General Commercial and are vacant.

Analysis: The MAPC heard the case on April 28, 2005, and by a vote of 10-3 recommended approval. Citizens were present to speak in opposition. They cited concerns over: building height; the lack of a screening wall between the neighborhood and the commercial property located south of Dubon; impact the project will have on property values due to the increased density of the project; lack of architectural specificity regarding the project; and the introduction of duplex units in a totally single -family neighborhood.

District Advisory Board V first reviewed this request on May 2, 2005. At least one citizen was present who spoke in opposition, citing the need to maintain the single -family character of the area, and the desire for any buildings built on the site to fit in with the neighborhood's existing architectural styles and heights. DAB members voted to defer action on the case, and directed the applicant to consider a Protective Overlay (PO) to address neighborhood concerns. The applicant met with staff and developed a Protective Overlay that requires: All duplex buildings shall share similar architectural character, colo r, texture and materials as those already existing in the neighborhood (e.g. ranch or split level, gable or hip roof and wood or brick siding). Building height shall be limited to 25 feet. Prior to construction, the applicant shall obtain an approval letter from the Director of Planning stating that the proposed construction complies with the above stated conditions.

At the District Advisory Board meeting of June 6, 2005, the applicant agreed to the Protective Overlay, and the DAB recommended approval 9-0. Since the DAB meeting occurred after the MAPC meeting, the Protective Overlay was not presented to the MAPC, so they have not made a recommendation regarding the PO.

Protests were filed by two property owners. One was filed after the end of the 14-day time period and the other property was located beyond the 200-foot protest distance.

Financial Considerations: None

Legal Considerations: The ordinance has been reviewed and approved as to form by the Law Department.

Recommendation/Actions:

1. Adopt the findings of the MAPC and approve the zone change, subject to Protective Overlay 158, and approve the first reading of the ordinance establishing the zone change; or
2. Return the application to MAPC for consideration.

(An override of the Planning Commission's recommendation requires a two-thirds majority vote of the members of the governing body on the first hearing.)

Agenda Item No. _____

City of Wichita
City Council Meeting
July 12, 2005

Agenda Report No. _____

FILE COPY

TO: Mayor and City Council

SUBJECT: ZON2005-00012 – Zone change from "SF-5" Single-family Residential to "TF-3" Two-family Residential with a Protective Overlay to address height and architectural character. Generally located at the northeast corner of Westfield and Dubon Avenue. (District V)

INITIATED BY: Metropolitan Area Planning Department JLS

AGENDA: Planning (Consent)

MAPC Recommendations: Approved (10-3).

MAPD Staff Recommendations: Denied.

DAB Recommendations: Approved (9-0).

